

**REMARKS**

**Claim Rejections**

Claims 1-3, 5, 7-32, 34 and 36-48 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,282,330 to Yakota et al. ("Yakota") in view of U.S. Patent No. 5,760,917 to Sheridan ("Sheridan"). Applicant traverses this rejection.

With regard to amended independent claim 1, the combination of Yakota and Sheridan does not disclose or suggest at least wherein said image processing is high definition image processing performed by the order receiver, and wherein only said processing apparatus of the order receiver has a configuration performing said high definition image processing on said contents data, as recited in the claim.

With the image processing system of Yakota, a user at home can process and edit photographs in a laboratory as a digital image (column 2, lines 43-49). Yokota, as cited by the Examiner, discloses that server 1000 and terminal 2000 have the same hardware configuration (Fig. 3; column 5, lines 6-8). In addition, Yokota discloses that "each terminal 2000 has an image processing unit 2000 having the same configuration as that of the image processing unit 1200 of the server 1000, the image subsystem 2130 also having the same configuration as that of the image subsystem 1130, and the book subsystem 2350 having the same configuration as that of the book subsystem 1320" (column 4, line 66 - column 5, line 5). In other words, Yokota explicitly recites that the server 1000 and terminal 2000 have an image processing section with a similar configuration.

On the other hand, high definition image processing with Applicant's invention is performed *by the order receiver*, rather than by the user running remote software, and *only the*

*processing apparatus of the order receiver* has a configuration performing said high definition image processing. Therefore, the terminal of the orderer in Applicant's invention and the terminal 2000 disclosed in Yokota are clearly different.

As admitted by the Examiner, "Sheridan is solely relied upon for communicating [the] original image and the processed data between the terminal of the orderer and the processing apparatus, and via Internet." Office Action, p.6. Sheridan, therefore, does not cure the deficiencies of Yakota.

For at least the above reasons, independent claim 1 is patentable over the combination of Yakota and Sheridan. Amended independent claims 14, 23, 25, 39 and 48 contain features similar to the features recited in amended independent claim 1 and therefore are patentable for similar reasons.

Claims 2, 3, 5, 7-13, 15-22, 24, 26-32, 34, 36-38 and 40-47 depend from at least one of independent claims 1, 14, 23, 25, 39 and 48, therefore these claims should be patentable at least by virtue of their dependencies.

In further regard to claim 22, the Examiner admits that Yakota does not disclose wherein the processing apparatus of the order receiver determines a fee for a processing service according to used processing items and a data amount, and determines a fee for storing and managing the processed contents data according to a period, for which the order receiver is billed in addition to a fee for using the communication line. The Examiner correctly points out that conventional film processing companies charge fees based on the number of pictures processed. However, since conventional film processing companies do not provide the high definition image processing of

Applicant's invention, nor do they store and manage processed image data, conventional film processing companies cannot charge fees for these services.

Further, as the Examiner correctly notes, nothing in Yakota suggests determining and charging fees for these services. Therefore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to determine and charge fees for services not provided by conventional film processing companies. Additionally, the fees charged by conventional film processing companies can be calculated by a user. User-performed tasks, however, cannot teach features of an apparatus. *In re Bell*, 26 USPQ2d 1529 (Fed. Cir. 1993). For these additional reasons, claim 22 should be patentable over the prior art.

Applicant respectfully submits that this amendment should be entered since it clarifies previously claimed patentable aspects of the invention, i.e., that high definition image processing is performed by the order receiver, and should require no additional prior art search by the Examiner.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.116  
U.S. Appin. No. 09/919,617

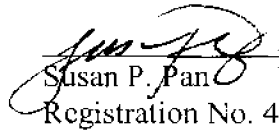
Atty. Docket No.: Q63879

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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